

(Through Video Conferencing)

CRM-M-7042-2021

Date of Decision: 18.02.2021

Anju Rajput

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.146 dated 19.09.2020 under Section 21 of NDPS Act registered at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner has argued that the petitioner is in custody for about five months and is not involved in any other case.

Learned counsel for the petitioner submits that as per the allegations in the FIR, ASI Sham Singh received a secret information that petitioner Anju Rajput is coming in a car from Delhi alongwith intoxicant substance. Upon receiving this information, ASI Sham Singh started checking the vehicles and stopped a car, which was driven by a person, who disclosed his name as Soni, co-accused and the petitioner was found sitting on the back seat of the car with a bag on her lap. Thereafter, the same Investigating Officer disclosed his identity and gave them an option to be searched before a Magistrate and Gazetted Officer and when both of them stated that they have faith on him, without calling the second Gazetted

submits that after completing the investigation and effecting the recovery of 300 grams of heroin, the same investigating officer sent a ruqa for registration of the case. Learned counsel further submits that the manner in which, the investigation has been conducted by a single investigating officer who received the secret information; arrested the petitioner and the co-accused; recorded their consent reposing confidence in him for conducting the search; then conducted the search himself without calling a second investigating officer and the ruqa/information, which was required to be sent immediately on receiving the secret information was sent on completion of the entire investigation demonstrate that proper procedure is not followed.

Learned counsel further submits that the petitioner is a lady and is not involved in any other case.

Learned State counsel could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on the merits of the case as well as the submissions made by learned counsel for the petitioner are matter of trial, the petitioner is directed to be released on regular bail on her furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

18.02.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No